

IAPS Rec'd PCT/PTO 05 OCT 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 5, 2006.

By:

THOMAS M. GALGANO, ESQ.

Date:

10/5/06

PATENT

DOCKET NO.: 460-38

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : HEINO HERMEKING  
SERIAL NO. : 10/555,919  
FILED : NOVEMBER 7, 2005  
FOR : DIAPHRAGM FOR IMPLANTATION IN THE ANTERIOR  
SECTION OF A HUMAN EYE

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION**

10/11/2006 LLANDGRA 00000035 10555919

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65.00 OP

Commissioner For Patents  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, dated September 25, 2006, enclosed herewith is the requested executed Declaration.

Credit Card form PTO-2038 in the amount of \$65.00 is enclosed to cover the official surcharge for the late filing of the Declaration.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1430  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/555,919	Heino Hermeking	460-38
INTERNATIONAL APPLICATION NO.		
PCT/DE04/00906		
I.A. FILING DATE	PRIORITY DATE	
04/30/2004	05/07/2003	

Thomas M Galgano  
 Galgano & Burke  
 300 Rabro Drive, Suite 135  
 Hauppauge, NY 11788

CONFIRMATION NO. 2573

371 FORMALITIES LETTER



\*OC000000020548641\*

Date Mailed: 09/25/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 11/07/2005
- English Translation of the IA filed on 11/07/2005
- Copy of the International Search Report filed on 11/07/2005
- Preliminary Amendments filed on 11/07/2005
- Information Disclosure Statements filed on 11/07/2005
- U.S. Basic National Fees filed on 11/07/2005
- Priority Documents filed on 11/07/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/555,919	PCT/DE04/00906	460-38

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application, without specific authorization, or credit any overpayment, except for the Publication Fee and Issue Fee, or credit any overpayment to Deposit Account No. 50-3990.

Accordingly, issuance of the Official Filing Receipt is respectfully solicited.

Respectfully submitted,

HEINO HERMEKING



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Enclosures: Executed Declaration,  
PTO-2038, Copy of Notice to File Missing Parts